

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER ELIAS GIANNOS #17197,) NO. 03-2528
DEPARTMENT OF POLICE, CITY OF CHICAGO) CR #270153

FINDINGS & DECISION

On October 8, 2003, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Police Officer Elias Giannos, Star #17197, (hereinafter sometimes referred to as "Respondent") seeking the suspension for one year of the Respondent for violating the following Rules:

Rule 1: Violation of any law or ordinance.

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

Rule 38: Unlawful or unnecessary use or display of a weapon.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Elias Giannos to be had before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on February 10, 2004.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and reviewed the videotapes of the hearing. Michael G. Berland, Hearing Officer, made a report and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of its investigation of the charges, finds and determines that:

1. The Respondent was at all times a Police Officer employed by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago, on February 10, 2004.

4. Throughout the hearing the Respondent did appear in person and was represented by counsel.

5. Respondent Police Elias Giannos, Star # 17197 charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 1: Violation of any law or ordinance.

A. On or about February 26, 2001 at Arlington Toyota, located at or near 935 Dundee Road, Buffalo Grove, Officer Giannos unlawfully displayed his handgun, thereby violating 720 ILCS 5/26-1(a)(1)

B. On or about February 26, 2001 at Arlington Toyota, located at or near 935 Dundee, Buffalo Grove, Illinois, Officer Giannos unlawfully placed citizens in fear of receiving a battery while displaying his handgun, thereby violating 720 ILCS 5/12-2.

6. Respondent Police Elias Giannos, Star # 17197 charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

Rule 1: Violation of any law or ordinance.

A. On or about February 26, 2001, at Arlington Toyota, located at or near 925 Dundee Road, Arlington Heights, Illinois, Officer Giannos did not use his handgun unlawfully in a manner to violate 720 ILCS 5/24-1(a) (4).

7. Respondent Police Officer Elias Giannos, Star # 17197 charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

A. On or about February 26, 2001, at Arlington Toyota, located at or near 935 Dundee Road, Buffalo Grove, Illinois, Officer Giannos unlawfully displayed his handgun, thereby violating 720 ILCS 5/26-1(a) (1).

B. On or about February 26, 2001, at Arlington Toyota, located at or near 935 Dundee Road, Buffalo Grove, Illinois, Officer Elias Giannos unlawfully displayed his handgun and stated words to the effect " I don't like your friend's attitude. You better to tell him to change it or next time I'll use this."

C. On or about February 26, 2001, at Arlington Toyota, located at or near 935 Dundee Road, Buffalo Grove, Illinois, Officer Giannos unlawfully placed citizens in fear of receiving a battery while displaying his handgun, thereby violating 720 ILCS

5/12-2.

8. Respondent Police Officer Elias Giannos, Star # 17197 charged herein, contrary to the Rules and Regulations, is not guilty of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

A. On or about February 26, 2001, at Arlington Toyota, at or near 935 Dundee Road, Buffalo Grove, Illinois, Officer Giannos did not use his handgun unlawfully in a manner which violated 720 ILCS 5/24-1(a) (4).

9. The Respondent Police Officer Elias Giannos, Star #17197, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

A. On or about February 26, 2001, at Arlington Toyota, located at or near 935 Dundee Road, Buffalo Grove, Illinois, Officer Giannos unlawfully displayed his handgun and stated to Juan Oscar Martinez words to the effect: "I don't like your friend's attitude. You better tell him to change it or next time I'll use this."

10. Respondent Police Officer Elias Giannos, Star #17197, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 9: Engaging in any unjustified verbal or physical

A. On or about February 26, 2001, at Arlington Toyota,

located at or near 935 Dundee Road, Buffalo Grove, Illinois, Officer Giannos unlawfully displayed his handgun and stated to Juan Oscar Martinez words to the effect: "I don't like your friend's attitude. You better tell him to change it or next time I'll use this."

11. The Respondent Police Officer Elias Giannos, Star #17197, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

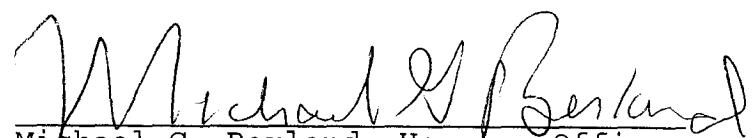
Rule 38: Unlawful or unnecessary use or display of a weapon.

A. On or about February 26, 2001, at Arlington Toyota, located at or near 935 Dundee Road, Buffalo Grove, Illinois, Officer Giannos unlawfully displayed his handgun and stated to Juan Oscar Martinez words to the effect: "I don't like your friend's attitude. You better tell him to change it or next time I'll use this."

12. The Respondent's Motion To Dismiss was denied by the Police Board except for the two counts on which the Respondent was found not guilty.

By reason of the fact that Officer Elias Giannos, Star 17197, is guilty of violating Rules 1, 2, 8, 9 and 38 the Police Board orders that Officer Giannos be suspended from his position as a Police Officer with the Department Of Police of the City Of Chicago from October 10, 2003 to and including **March 31, 2004** with restoration of all rights and benefits thereafter.

Respectfully submitted,


Michael G. Berland, Hearing Officer

DECISION

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having viewed the videotapes of the hearing, having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopt all findings herein, and, in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the Respondent's complimentary and disciplinary history, a copy of which is attached hereto as Exhibit A, and,

IT IS HEREBY ORDERED that the Respondent, Police Officer Elias H. Giannos, Star # 17197, as a result of having been found guilty of the charges in Police Board Case No. 03-2528, is hereby suspended from his position as a Police Officer, and from the services of the City of Chicago, from October 10, 2003, to and including March 31, 2004.

DATED AS CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 25th DAY OF MARCH, 2004.

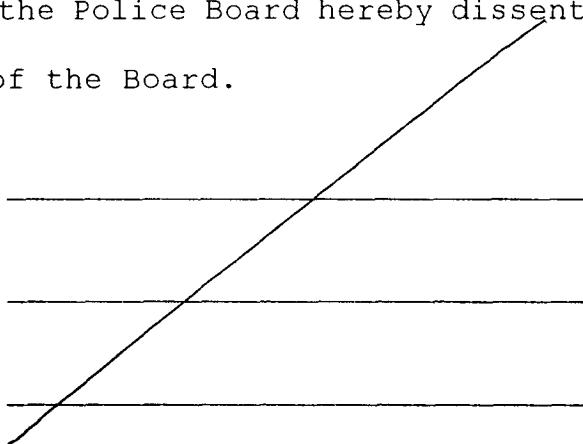
Phyllis Gellman
Denita G. Clegg
Patricia Bolz
Leah Davis
Patricia Bolz
Kimberly Miller
John M. Hark

Michael G. Berland

Executive Director, Police Board

D I S S E N T

The following members of the Police Board hereby dissent
from the decision of the majority of the Board.



RECEIVED A COPY OF THIS COMMUNICATION

THIS _____ DAY OF _____, 2004

SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

11 June 2001

TO: COMMANDING OFFICER UNIT 121

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

GIANNOS, ELIAS	17197	019
NAME	(LAST, FIRST, M.I.)	STAR
M	RACE	UNIT
SEX	S.S.N.	

REFERENCE: COMPLAINT REGISTER NUMBER(S) 270153

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS BEEN REQUESTED IN YOUR NAME BY:

SGT. N. SCHULER	2269	121
RANK	NAME	STAR
		S.S.N.
		UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE SUBJECT ACCUSED, FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

NONE

EX. A

P.O. SUSAN SASSO
FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

207153

ATTACHMENT B

PAGE 1 OF 1

Chicago Police Department
Personnel Division

6/8/01

COMPLIMENTARY HISTORY

Name	Title	SSN	Star	Unit	Detail Unit
GIANNOS ELIAS H	9161	██████████	17197	019	376

<u>DEPT. COMMENDATIONS</u>	<u>HONORABLE MENTIONS</u>	<u>COMPLIMENTARY LETTERS</u>
0	4	362

AWARD NUMBER:

OTHER AWARDS:

SPECIAL AWARDS:

<u>Jr. Chamber . of Comm</u> = 0	<u>Honored Police Star</u> = 0
<u>Rich. J Daley Award</u> = 0	<u>Life Saving Awd</u> = 0
<u>Police Medal</u> = 0	<u>Hnd Cld Med. of Val</u> = 0
<u>Supt. Awd of Valor</u> = 0	<u>Fitness Award</u> = 0
<u>Supt. Awd of Merit</u> = 0	<u>Appearance Award</u> = 0
<u>Police Blue Star</u> = 0	<u>Special Commendation</u> = 0
<u>Officer of The Month</u> = 0	<u>Partnership Award</u> = 0
<u>Unit Meritorious</u> = 0	<u>Special Serv. Award</u> = 0
<u>Lambert Tree</u> = 0	<u>Problem Solving Awd</u> = 0
<u>Carter Harrison</u> = 0	<u>Blue Shield Awd</u> = 0
<u>WGN Award</u> = 0	

Complimentary History Requested By:

<u>NAME:</u> SCHULER JR NICHOLAS J	<u>STAR:</u> 02269	<u>UNIT:</u> 121
------------------------------------	--------------------	------------------

CR #: 270153

Completed by:

Demetra Berry
Personnel Division
Records Section -2089-2092
Pax 0-342 or Bell 5-5390

CR # 207153

ATTACHMENT *